

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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Attorneys for Sang Chul Lee and Dukson Lee

In re:	:	Chapter 11
	:	
GENERAL MOTORS, <u>et al.</u>	:	Case No. 09-50026 (REG)
	:	
Debtors.	:	(Jointly Administered)
	:	
	:	

**REPLY DECLARATION OF MICHAEL S. KIMM, ESQ.,
IN FURTHER SUPPORT OF CREDITORS SANG CHUL
LEE AND DUKSON LEE'S MOTION TO ALLOW LATE
CLAIM FILED TO BE DEEMED TIMELY FILED**

MICHAEL S. KIMM, ESQ., being of age, states as follows under penalty of perjury pursuant to 28 U.S.C. §1746:

1. I am an attorney for creditors Sang Chul Lee and Dukson Lee and I make this Reply Declaration in further support of their motion to allow late claim filed be deemed timely filed.

2. Contrary to Debtors counsel's assertion that the Arizona Action is "in its initial discovery phase," the discovery period is near the end of the road, with only depositions pending. All paper discovery has been exchanged and is substantially complete. Plaintiffs

have expended considerable sums of money for expert discovery and support.

3. Furthermore, Mr. Jeon, the defendant driver of the relevant vehicle has, in fact, been located at Korea and is expected to appear for deposition soon.

4. It should be noted that Debtors' assertions in its Opposition filed April 1, 2010, are not supported with certifications or other evidence.

5. Creditors respectfully maintain that Creditors and their counsel were not properly served in total with fifteen Bar Date Packages. Despite a diligent house-cleaning search, Creditors' counsel has been unable to locate a hard copy of the Bar Date. Instead, Creditors' counsel still respectfully maintains the only notice found was of email in September 2009.

6. This case must be sent back to Arizona because the bankruptcy court in New York has no jurisdiction in this wrongful death case, which arose in Arizona.

WHEREFORE, the Lees-creditors' motion should be granted to allow late claim filed to be deemed timely filed.

Dated: April 5, 2010

/s/ Michael Kimm

Michael S. Kimm

Certificate of Service

Michael Kimm, Esq., certifies that the foregoing was served by ECF on all parties, or their counsel.

Dated: April 5, 2010

/s/ Michael Kimm

Michael S. Kimm